

PROCLAMATION

BY THE

Governor of the State of Texas

41-2577

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14 of the Texas Constitution, I, Ann W. Richards, Governor of Texas, do hereby veto H.B. 2512 because of the following objections:

This bill would allow a business to continue to operate even though a court reverses the agency action granting the operating license if the reversal is because of "procedural or clerical defects" and returns the case to the agency or lower court. It would also limit review by the lower court or agency to the particular defect found by the court. If the business states that it will correct the defect within 90 days, the agency must accept the statement and allow the business to continue operating.

This bill does not define procedural or clerical defect. It ignores the fact that a procedural irregularity may affect the substance of a hearing. A licensee could use this bill to perpetually continue operations even though a court has determined that the licensing decision was flawed.

Further, this bill would apply retroactively to all licenses issued after January 1, 1989. This could impact the rights of current challengers to licensing decisions in violation of the constitutional prohibition against retroactive laws.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20 day of June, 1993.



Ann W. Richards
Ann W. Richards
Governor of Texas

CLERK OF THE
SECRETARY OF STATE

10:10 p.m. 901000

JUN 20 1993

John Hannah
John Hannah
Secretary of State